

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2002 FEB -6 A 11:18

FREDERICK SHAFFER HIGGINBOTHAM, *
III, D.D.S., et ux.

Plaintiffs

vs.

KCS INTERNATIONAL, INC. *
t/a CRUISERS YACHTS, et al. *

Defendants *

CLERK'S OFFICE
AT BALTIMORE

DEPUTY

CIVIL ACTION NO. MJG-00-2764

* * * * *

MEMORANDUM AND ORDER

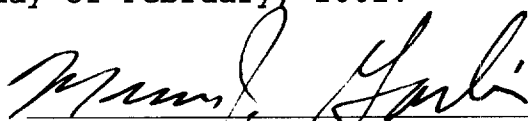
The Court has before it the Motion to Dismiss filed by Defendant Windline. Inc. [Paper 38-1] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

The said motion was included in the body of the Answer and Counterclaim and, should, properly be treated as a part of the Answer rather than a motion.

Accordingly:

1. The Motion to Dismiss filed by Defendant Windline. Inc. [Paper 38-1] is DENIED.
2. This action is without prejudice to the right of Windline to assert defenses set forth in the said motion.

SO ORDERED this 5th day of February, 2002.


Marvin J. Garbis
United States District Judge

